



Inter Office Memo

DATE: August 14, 2025
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 13103 – Variance Application No. 4181

APPLICANT/
OWNER: JD Investments

REQUEST: Allow the creation of two 2.55-acre parcels where 20-acres is required, from an existing 5.09-acre parcel located in the AL-20 (Limited Agricultural, 20-acre minimum) Zone Districts. If approved, a mapping procedure will follow.

LOCATION: The subject parcel is located on the west side of Willow Bluff, approximately 0.65-miles from the City of Fresno (APN: 579-050-16) (12739 Willow Bluff) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of August 14, 2025, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Quist and seconded by Commissioner Hill to determine that the required Findings could not be made in concurrence with Staff's recommendation and deny Variance Application No. 4181.

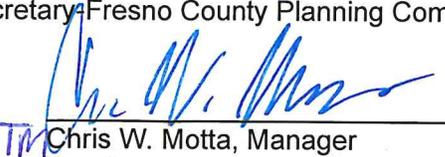
This motion was passed on the following vote:

VOTING: Yes: Commissioners Quist, Hill, Abrahamian, Roman, Whelan, and Zante
No: Commissioners Arabian and Borchardt
Absent: Commissioner Carver
Abstain: None

RESOLUTION NO. 13103

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary Fresno County Planning Commission

By:



Chris W. Motta, Manager
Development Services and Capital Projects Division

NOTES:

CWM:ab:jp
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Attachments

EXHIBIT A

Variance Application No. 4181

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 14, 2025 and heard a summary presentation by staff.
- Presenters: The owner and the owner's representative disagreed with Staff's recommendation and stated that the Variance Findings could be made and offered the following information:
- In support of Finding 1, 2 & 4, the Variance Finding's submitted by the applicant included in the Staff Report as Exhibit 7.
 - In support of Finding 2, previously granted Variances for substandard parcel splits in the area have granted nearby homeowners a substantial property right not able to be experienced by the applicant if the Variance application is denied.
 - In support of Finding 4, the General Plan designation for the area is Residential.
 - In support of Finding 1, the rolling hills nature of the parcel and its location make it unique.
 - The proposed project reason is to build large homes on each parcel, one for the applicant's mother and one for the applicant.
- Others: One person spoke in opposition to the proposal and cited State Legislation and procedural consideration to the Commissioners.
- No other individuals presented information in support of or in opposition to the project.
- Correspondence: A letter of opposition was presented to the Planning Commission. No other correspondence in support of or opposition to the project was received.

CWM:ab:jp

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EXHIBIT B

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Variance Application No. 4181

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Variance Application:	\$ 6,417.38 ¹
Initial Study:	\$ 1,011.04 ²
Health Department Review:	\$ 703.00 ³
Agricultural Commissioner Review:	\$ 68.00 ⁴
Total Fees Collected	\$ <u>8,199.42</u>

¹ Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.
² Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report
³ Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division
⁴ Review of proposal and associated environmental documents by the Agricultural Commissioner



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 5 August 14, 2025

- SUBJECT:** Variance Application No. 4181 and Initial Study No. 8658
- Allow the creation of two 2.55-acre parcels where 20-acres is required, from an existing 5.09-acre parcel located in the AL-20 (Limited Agricultural, 20-acre minimum) Zone District. If approved, a mapping procedure will follow.
- LOCATION:** The subject parcel is located on the west side of Willow Bluff, approximately 0.65-miles from the City of Fresno (APN: 579-050-16) (12739 Willow Bluff) (Sup. Dist. 5).
- OWNER/
APPLICANT:** JD Investments
- STAFF CONTACT:** Arianna Brown, Planner
(559) 600-4245
- Tawanda Mtunga, Principal Planner
(559) 600-4256
- RECOMMENDATION:**
- Deny Variance Application No. 4181 based on the analysis of the required findings in the Staff Report; and
 - Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Variance Map
6. Site Plans
7. Applicant's Variance Findings
8. Summary of Initial Study No. 8658
9. Negative Declaration
10. Photos

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Rural Residential (5-acre minimum)	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	5.09 acres	Parcel A: Approx. 2.55 Parcel B: Approx. 2.55
Project Site	One undeveloped parcel	Split the parcel into two undeveloped substandard parcels
Structural Improvements	None	No change
Nearest Residence	34 feet south of the parcel	No Change
Surrounding Development	Rural Residential and undeveloped parcels	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8658 was prepared for this project by County staff in accordance with the provisions of the California Environmental Quality Act (CEQA). Based upon the Initial Study, staff has determined that a Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

PUBLIC NOTICE:

Notices were sent to 67 property owners within 1,320 feet of the subject parcel, exceeding the

minimum notification requirements prescribed by the California Government Code and consistent with County Policy set by the Board of Supervisors.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

A Variance Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission. If approved a separate mapping procedure to legally create the two proposed lots would be required.

The decision of the Planning Commission on a Variance application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

The Variance application proposes to allow the division of the parcel currently containing 5.09-acres, into two approximate 2.55-acre substandard parcels with a mapping procedure to follow. The current state of the parcel is undeveloped, and the owner intends to build single-family residences on each parcel.

Access to the parcels will be from N. Willow Bluff Road. There will be on-site parking for each residential use.

According to available records there have been at least four similar variance approvals within one-half mile of the subject property for substandard size lots.

Application/Request	Staff Recommendation	Final Action	Date of Action
VA 4121 to allow for the creation of four parcels approximately 5-acres in size from an existing 20.43-acre parcel.	Denial	Approved	June 22, 2023
VA 4058 to allow the creation of three substandard parcels from an existing 8.91-acre parcel	Denial	Approved	March 28, 2019
VA 4039 to allow the creation of two substandard five-acre parcels from an existing 10-acre parcel	Denial	Approved	February 15, 2018
VA 4012 to allow the creation of two substandard parcels. One 2.74-acre parcel and a 2.43-acre parcel from an existing 5.17-acre parcel.	Denial	Approved	October 20, 2016

AL-20	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Minimum Parcel Size	20-acres (871,200sqft.)	2.55-acres (111,078sqft)	No
Setbacks	<u>AL-20</u> Front: 35 feet Side: 20 feet Rear: 20 feet	No changes	N/A

Finding 1: **There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.**

Reviewing Agency/Department Comments related to Finding 1:

No comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

In support of Finding 1, the Applicant’s findings state that “the landowner would like to maximize the utility of the land by creating two 2.5-acre parcels as the subject area is not viable for agricultural purposes.” The Applicant points to other development in the area that has been approved for smaller parcels ranging from 1.0 to 5 acres, and that this area is in transition and should be judged this way.

The applicant’s business interest “to maximize the utility of the land” are not valid justifications for granting a variance as they are not related to a unique feature or circumstance of the property. The property enjoys the same opportunities and limitations as other properties with the same zoning in the surrounding area. The applicant’s comments on other development that has been approved via amendments to the General Plan and the Zoning is not relevant to the Variance.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Staff was unable to identify any exceptional or extraordinary physical features or circumstances particular to the subject parcel that warrants making the finding of a unique property feature or circumstance.

Finding 2: **Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.**

Reviewing Agencies/Department Comments related to Finding 2:

No comments specific to the preservation of a substantial property right were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

In support of Finding 2, the Applicant’s findings state the creation of the two substandard parcels “is necessary to maintain the same rights possessed by the neighboring property owners under like conditions within the vicinity having identical zoning classification”.

One of the development projects referenced by the Applicant, the Monte Verdi Estates, was established on property that was appropriately zoned as R1B rather than through the variance process. The presence of neighboring parcels that were established under prior standards does not grant any property rights to other parcels within the same zoning classification to develop according to previous standards. All property owners within the same zone district are entitled to the development rights permitted by the Zoning Ordinance or as granted at the time their parcel was legally established.

The term “Substantial Property Right” as it relates to granting a Variance means the reasonable ability to utilize the property for the uses allowed by the zoning. The applicant has not provided any relevant evidence to suggest that the Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. There is no right to divide the parcel to meet the Applicant’s interest to maximize the utility of the land, in conflict with the development standards of the Zone district.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Staff cannot recommend making Finding 2 as denial of this Variance would not deprive the Applicant of utilizing the property for the uses allowed in the AL-20 Zone District. The applicant enjoys the same rights as other parcels in the area with the same zoning.

Finding 3: **The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.**

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North	3.13 acres	Undeveloped	AL-20	398 feet south
South	2.62 acres	Single Family Residence	AL-20	On Property
East	38.93 acres	Single Family Residence	AL-20	On Property
West	21.18 acres	Single Family - Open Space	AL-20	On Property

Reviewing Agency/Department Comments:

No comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

In support of Finding 3, the Applicant’s Findings state that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity.

Regarding Finding 3, it is the intention of the Applicant, if this Variance is approved, to divide the existing parcel into two smaller parcels.

While the impact of this singular Variance may not constitute a materially detrimental impact, staff notes that the creation of two parcels has the potential to increase residential density in the area by allowing additional single-family residences as a by right use on the new parcels and a 2nd residence through a Director Review and Approval on the new parcels. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations in the area. The minimum acreage requirement of the AL-20 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential agricultural activities. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.

Recommended Conditions of Approval:

None.

Finding 3 Conclusion:

Finding 3 can be made due to the scale of this individual request, this single application does not present a significant material detriment to properties in the vicinity.

Finding 4: The granting of such a variance will not be contrary to the objectives of the General Plan.

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-E.24: <i>The Rural Residential designation comprising an approximate 481-acre area generally bounded by Friant Road/Willow Avenue to the west, Garonne Avenue to the south, those parcels immediately east and adjacent to Auberry Road to the east and generally the Birkhead Road alignment to the north and encompassing those parcels immediately to the west, northeast, and east of the full length of Willow Bluff Avenue. This is an area committed to rural-sized parcels. The Limited Agricultural zoning reflects potential water resource constraints in the general vicinity. Future rezoning of this area to the implementing Rural Residential zoning district shall maintain a minimum five-acre parcel size and shall be subject to a</i></p>	<p>Inconsistent: The existing 5.09-acre parcel currently aligns with the General Plan designation for the area. The proposed project would facilitate a division of the parcel, resulting in substandard conditions relative to this specific General Plan Policy’s requirement for a five-acre minimum parcel size.</p>

Relevant Policies:	Consistency/Considerations:
<p><i>determination of adequate water supply per Agriculture and Land Use Policy LU-E.8, and adequate road access and road maintenance as determined by the Director of the Department of Public Works and Planning (See Figure LU-4).</i></p>	
<p>General Plan Policy PF-C.16: <i>The County shall, prior to consideration of any discretionary project related to land use, require a water supply evaluation be conducted. The evaluation shall include the following:</i></p> <p><i>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</i></p> <p><i>b. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</i></p> <p><i>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users. (RDR/PSR)</i></p>	<p>Consistent: A hydrogeological study was conducted by a county approved third-party contractor. The study was reviewed by county staff and a determination was made that there is an adequate supply of water to support the land use rights of the additional parcel and increased density for the area and that future groundwater utilization on the property would not result in significant pumping-related impacts to surrounding properties. A continuous pump test was conducted over 72 hours and a total of 246,000 gallons of water were pumped, resulting in an average discharge rate of 57 gallons per minute.</p>

Reviewing Agency Comments:

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

In support of Finding 4, the Applicant states “A review of the history of land division finds that parcels to the southwest near N. Willow Bluff Road range in size from 2.5 acres to 9.49 acres, meanwhile to the north near Reno Avenue parcels range from 2.30 acres to a single 18.90-acre parcel which is consistent with the County’s future direction of the area.”

The Applicant’s assertion that the varying parcel sizes throughout the area are an indication that the proposed parcel split is consistent with the General Plan is incorrect. The table above details how the proposal is inconsistent with the General Plan Policy LU-E.24 which the Board adopted in February of 2024 and limits parcels to 5-acres or more.

Recommended Conditions of Approval:

Pursuant to General Plan Policy LU-E.24: prior to approval of any division of the property by a parcel map or other mechanism, the Applicant shall demonstrate, to the satisfaction of the Director of Public Works and Planning Department, that there is adequate road access and road maintenance.

Finding 4 Conclusion:

Staff cannot recommend making Finding 4 as the project would be contrary to General Plan Goal LU-E.24.

OVERALL SUMMARY:

This application is based on the Applicant’s stated intent to maximize the utility of the land by developing standard single-family residences of each of the 2.55-acre parcels, and the assertion that this area is undergoing a transition from Agricultural zoning to Rural-Residential Zoning. The current zoning is AL-20, and per General Plan Policy LU-E.24 and is eligible for future rezoning to the RR-5 Zone District. This applicant’s 2.5-acre parcel size proposal is inconsistent with the zoning standards and will result in a greater density for the area than intended by the General Plan. The Applicant’s business concerns, personal desires or personal circumstance does not qualify as a basis for granting a variance.

Based on the factors cited in the analysis, the required Findings for granting the Variance Application cannot be made as there are no exceptional or extraordinary circumstances or conditions applicable to the property, the variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity, and the application is contrary to the goals and policies of the General Plan.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings 1, 2, & 4 cannot be made as stipulated in the Staff Report and move to deny Variance Application No. 4181 and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Alternative Motion (Approval Action)

- Adopt the Negative Declaration prepared for Initial Study (IS) No. 8658; and

- Move to determine the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 4181, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1
Variance Application (VA) No. 4181
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Pursuant to General Plan Policy LU-E.24: prior to approval of any division of the property by a parcel map or other mechanism, the Applicant shall demonstrate, to the satisfaction of the Director of Public Works and Planning Department, that there is adequate road access and road maintenance.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5 feet from the property line.
2.	Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
3.	A minimum of 10' x 10' corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Willow Bluff Avenue or Willow Avenue if not already present.
4.	The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Drainage Zone and Boundary. FMFCD should be consulted regarding any requirements they may have. Fresno Metropolitan Flood Control District 5469 E. Olive Avenue Fresno, CA 93727 (559) 456-3292 developmentreview@fresnofloodcontrol.org
5.	The subject property is located within the State Responsibility Area (SRA) boundary. Any future development within the SRA boundary shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
6.	Any future landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELO) and MWELO form/s and/or separate landscape and irrigation design plan should be required.

ATTACHMENT B PAGE 10

EXHIBIT 1

Notes	
7.	Any future encroachment or access over S.P.R.R. (Southern Pacific Railroad Right-of-Way) should require approval from the owner.
8.	A grading permit/voucher will be required for any future grading with this application.
9.	If this variance application is approved, a parcel map application will have to be filed with Fresno County in order to affect the property division.
10.	Septic system density will be limited to one system per two acres. Any new development of less than two acres or secondary dwelling will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
11.	Any new sewage disposal system proposal shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
12.	At such time the applicant or property owner(s) decides to construct a water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
13.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
14.	If any underground storage tank(s) are found, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

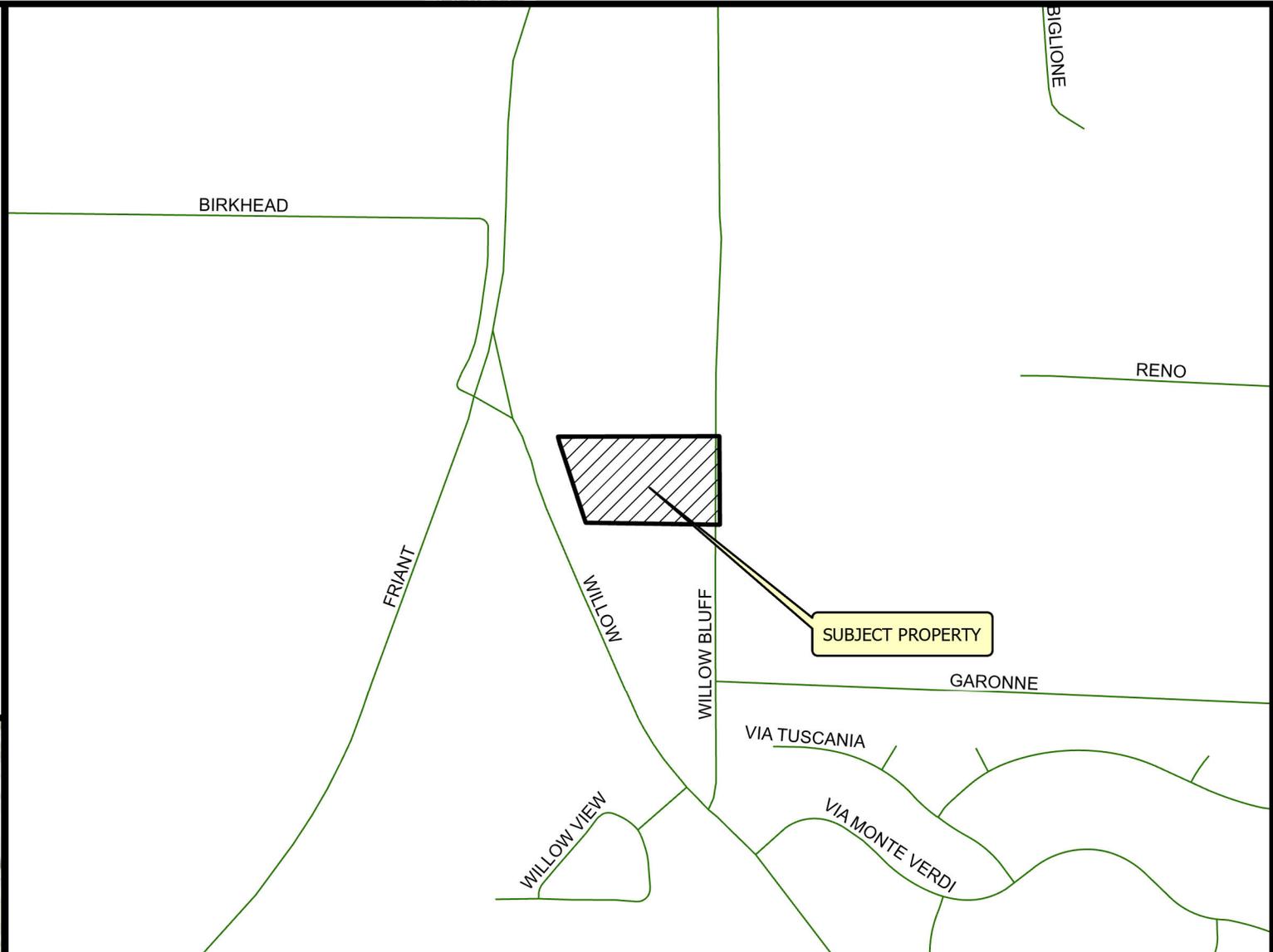
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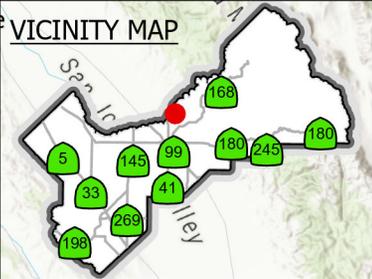
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Subject Property



VICINITY MAP

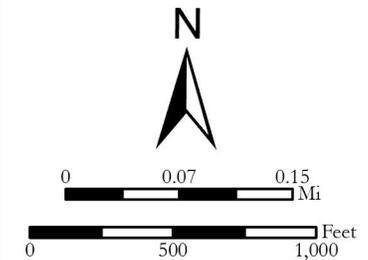


LOCATION MAP

VA 4181

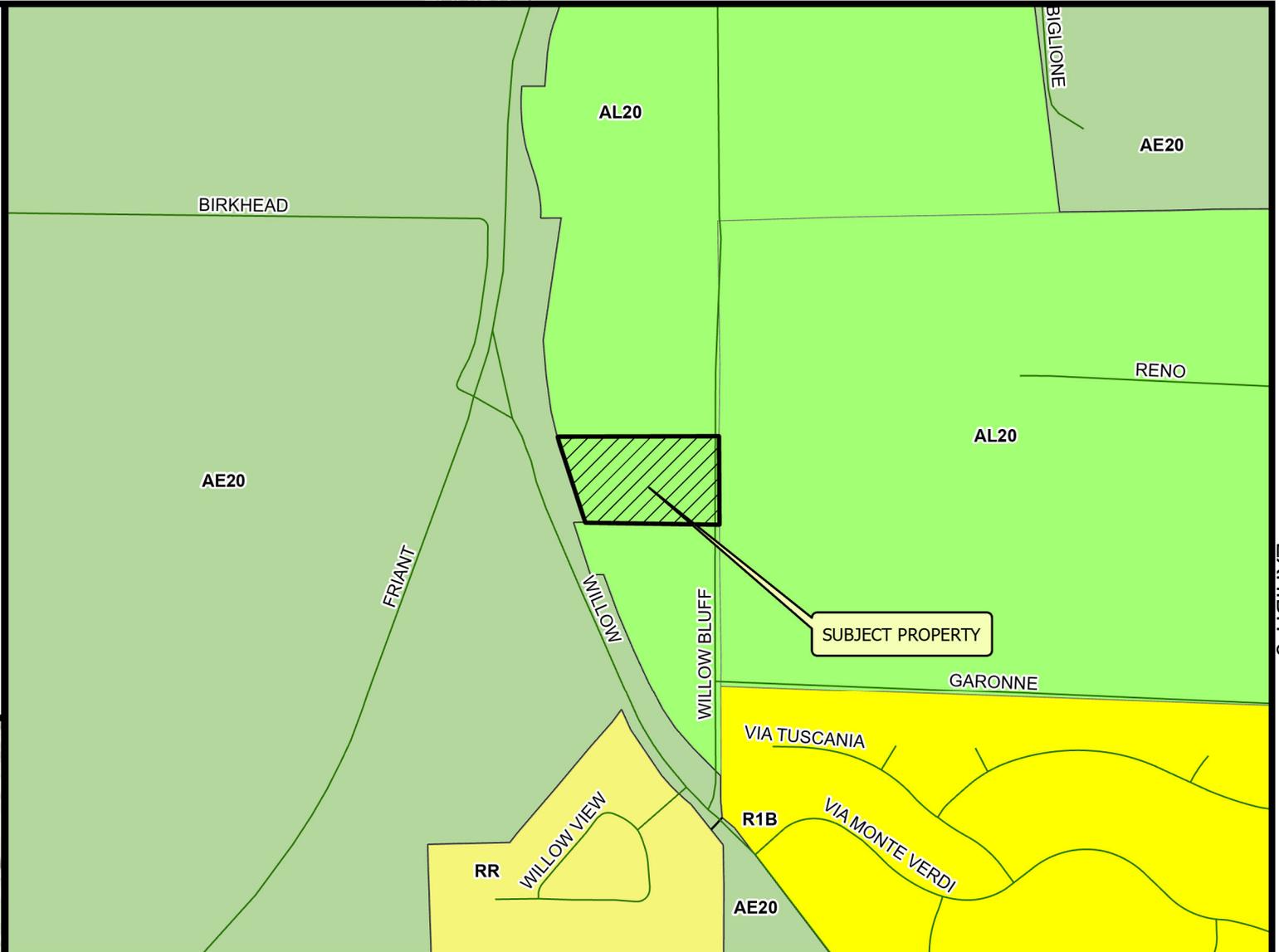
2025

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 1/9/2025



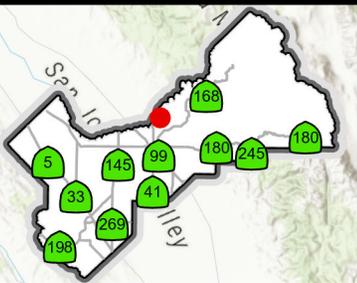
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-  Subject Property
-  AE20
-  AL20
-  R1B
-  RR



ATTACHMENT B PAGE 13

EXHIBIT 3

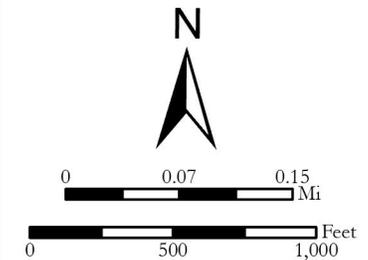


Existing Zoning Map

VA 4181
STR 1 - 12S / 20E

2025

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : chuang
On Date : 1/10/2025

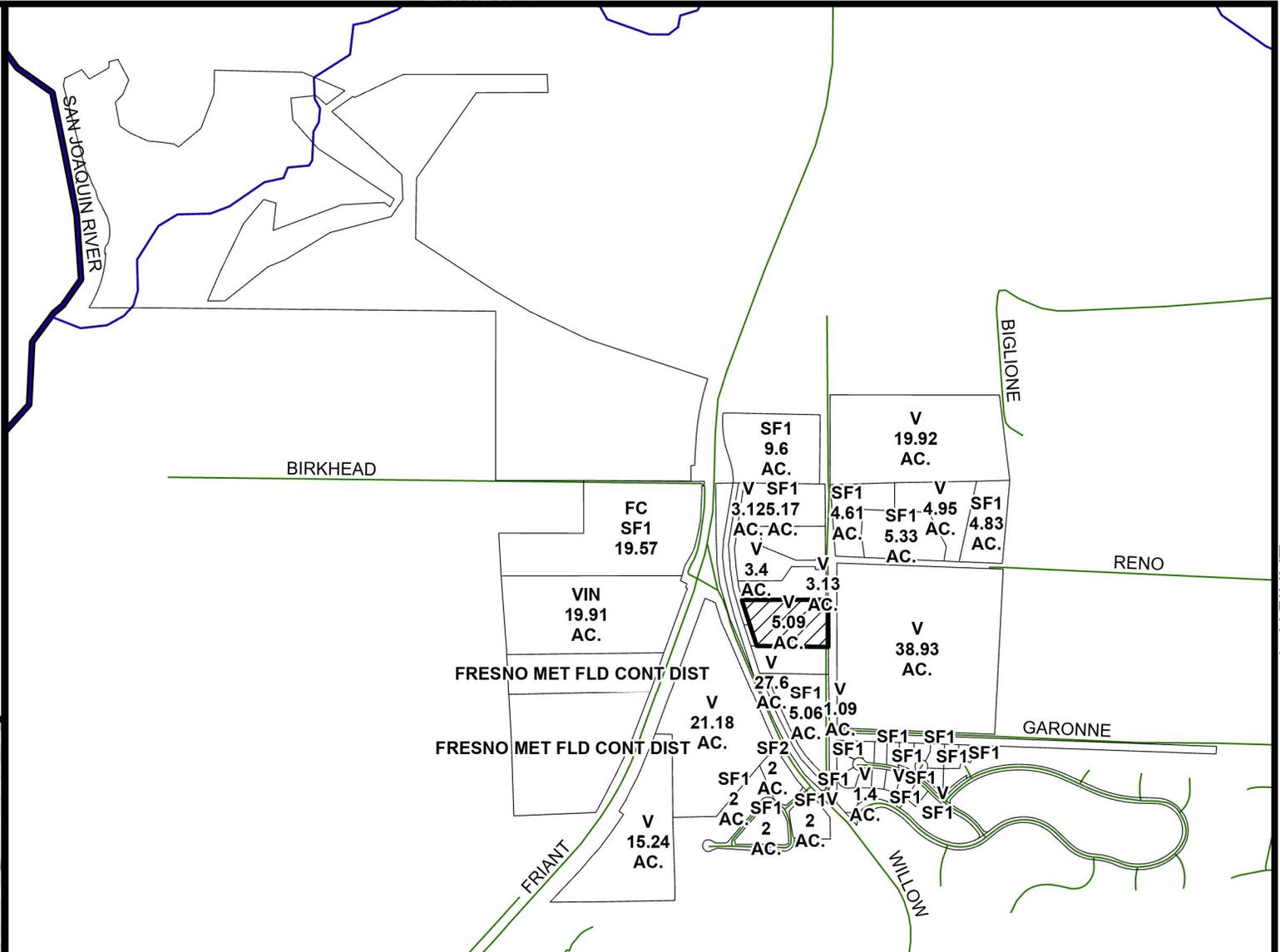
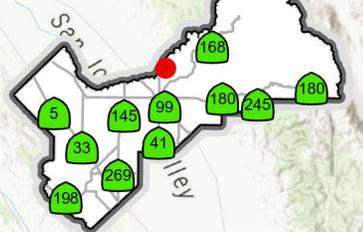


LEGEND:

 Subject Property

LEGEND
FC - FIELD CROP
SF#- SINGLE FAMILY RESIDENCE
V - VACANT
VIN - VINEYARD

VICINITY MAP



ATTACHMENT B PAGE 14

EXHIBIT 4

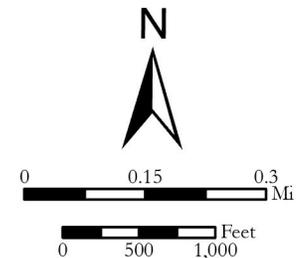


Existing Land Use Map

VA 4181

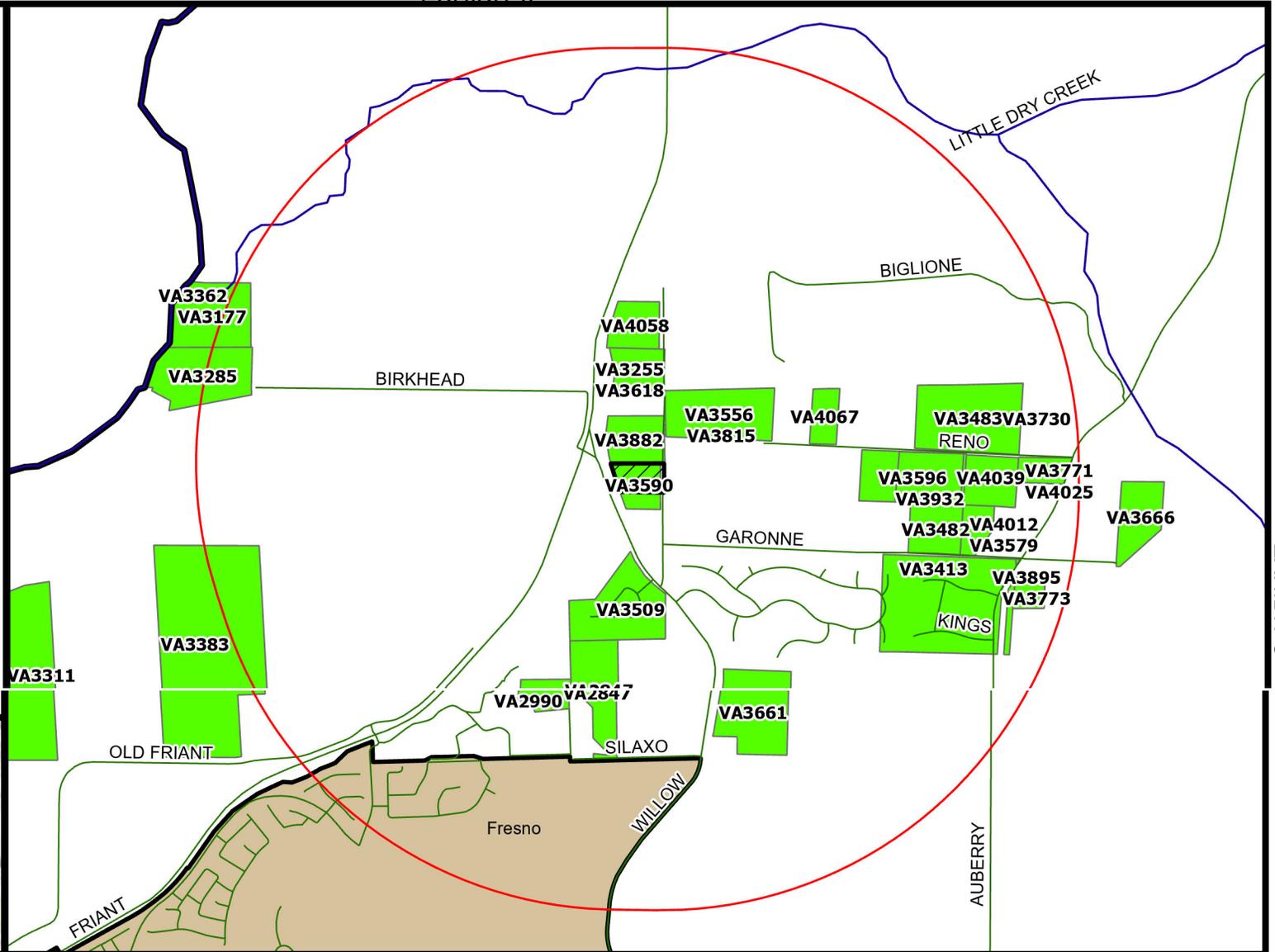
2025

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 1/9/2025



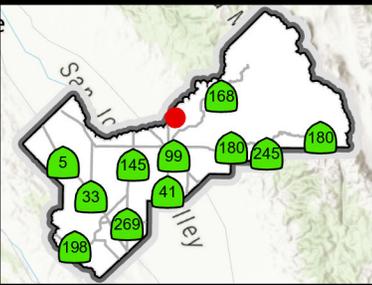
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-  One Mile Buffer
-  Subject Property
-  Fresno
-  VA Permits



ATTACHMENT B PAGE 15

EXHIBIT 5

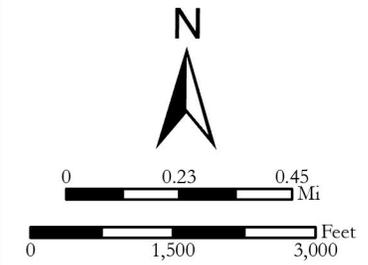


Proximity Map

VA 4181

2025

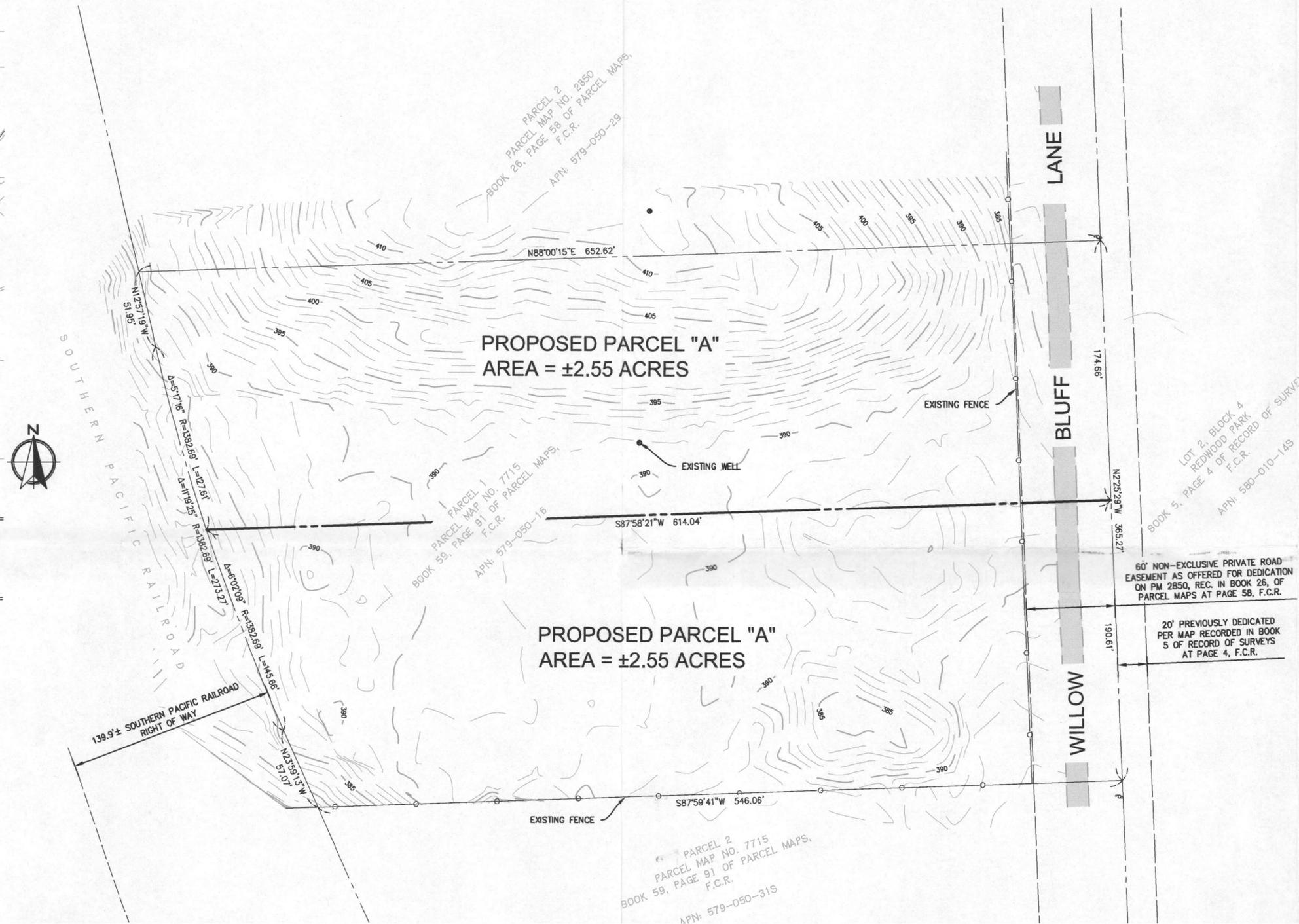
Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 1/10/2025



TENTATIVE PARCEL MAP NO. _____

PORTION OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 20 EAST,
MOUNT DIABLO BASE AND MERIDIAN
IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA

ATTACHMENT B PAGE 16



SITE INFO

1. SITE ADDRESS:	12739 WILLOW BLUFF LANE, CLOVIS, CA 93619
2. APN:	579-050-16
3. RECORD OWNER:	JD INVESTMENTS, A CALIFORNIA GENERAL PARTNERSHIP
4. OWNER'S ADDRESS:	5610 N. PALM AVE., FRESNO, CA 93704
5. TOTAL SITE AREA:	GROSS: 5.09± ACRES, 221,880± SQ.-FT.
6. ZONING:	EXISTING: AE20 PROPOSED: SFR - SINGLE-FAMILY RESIDENTIAL
7. REQUIRED SETBACKS:	FRONT - 35 FEET REAR YARD - 20 FEET SIDE YARD (INTERIOR) - 10 FEET SIDE YARD (STREET SIDE) - 25 FEET BUILDING HEIGHT - 35 FEET MAXIMUM.
<i>(FOR ZONING R-R) PER TABLE 2-3 (SECTION 9.1.030)</i>	

8. THERE ARE NO EXISTING IMPROVEMENTS.
9. THERE ARE NO PONDS, LAKES, SPRINGS OR RIVERS BORDERS ON OR RUN THROUGH PROPERTY.
10. NO OBSERVABLE EVIDENCE OF CEMETERY OR BURIAL SITE ON PROPERTY.
11. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
12. THERE IS NO OBSERVABLE EVIDENCE OF CHANGES IN STREET-OF-WAY OR STREET CONSTRUCTION WITHIN RECENT MONTHS.
13. NO OBSERVABLE EVIDENCE TO INDICATE THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
14. NO OBSERVABLE EVIDENCE OF WETLAND AREAS ON PROPERTY.
15. THERE ARE NO PARTY WALLS.
16. WHERE UNDERGROUND OR SURFACE STRUCTURES ARE SHOWN ON THE PLANS, THE LOCATIONS, DEPTH AND DIMENSIONS OF STRUCTURES ARE BELIEVED TO BE REASONABLY CORRECT, BUT ARE NOT GUARANTEED. SUCH STRUCTURES ARE SHOWN FOR THE INFORMATION OF THE CONTRACTOR, BUT INFORMATION SO GIVEN IS NOT TO BE CONSTRUED AS A REPRESENTATION THAT SUCH STRUCTURES WILL, IN ALL CASES, BE FOUND WHERE SHOWN OR THAT THEY REPRESENT ALL THE STRUCTURES THAT MAY BE ENCOUNTERED.
17. PLOTTABLE EASEMENTS SHOWN AND LABELED ON THIS TENTATIVE PARCEL MAP INCLUDE THE FOLLOWING:
 - A. 60-FOOT WIDE NON-EXCLUSIVE PRIVATE ROAD EASEMENT AS OFFERED FOR DEDICATION ON PARCEL MAP NO. 2850, RECORDED IN BOOK 26 OF PARCEL MAPS, AT PAGE 58, F.C.R.
 - B. 20-FOOT WIDE ROW PREVIOUSLY DEDICATED FOR PUBLIC ROAD PURPOSES, RECORDED IN BOOK 5 OF RECORD OF SURVEYS, AT PAGE 4, F.C.R.
19. THE SUBJECT PROPERTY IS IN FLOOD ZONE "X" DESIGNATED AS "AN AREA OF MINIMAL FLOOD HAZARD" PER THE FLOOD INSURANCE RATE MAP, PANEL NO. 06019C1040H, DATED FEBRUARY 18, 2009.
20. THERE ARE NO COMMON AREAS RESERVED FOR PUBLIC USE.

LEGEND

	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	EXISTING RIGHT OF WAY LINE
	EXISTING CHAIN LINK FENCE
	PROPOSED PARCEL LINE
	EXISTING A.C. PAVEMENT

EXHIBIT 7

To: County of Fresno
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Project: Willow Bluff seeks to create approximately two 2.5 acre parcels from a single 5.09 acre parcel. The subject property is east of N. Willow Avenue and west of Willow Bluff Avenue. The site address is 12739 Willow Bluff Lane, Clovis 93619 more specifically described as Assessor's Parcel Number: 579-050-16.

REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF A VARIANCE

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.**

The landowner would like to maximize the utility of the land by creating two 2.5 acre parcels as the subject area is not viable for agricultural purposes. The Willow Bluff area is in a unique transition area between the larger existing agricultural parcels ranging from 10 to 20 acres to newly created parcels ranging in size from 1.0 to 5 acre parcels. Within a two-mile radius, zoning designations range from AE20 and AL20 to 5 and 2 acres Rural Residential. Immediately to the south Monte Verdi Estates has 125 lots with sizes ranging from 15,000 square feet to 30,000 square feet. This is most notably seen in the past 10 years with the development of the Monte Verde Estates, Willow Ridge, Elegante Estate and Pill Hill less than .5 miles away from the subject property. Within the past six months, the Board of Supervisors approved variances for the creation of sixteen 2-acre parcels, less than half a mile away from the subject parcel, due to their land being subpar for agricultural purposes. This conforms with the County of Fresno's 2024 General Plan Update and future direction for residential development policies in the area, exhibiting density and maximizing land usage.

We have a unique situation at hand in that most of the development activity in the surrounding area over the last decade or two has not been keeping with the General Plan designation or underlying zoning. The Board of Supervisors have recognized this and has directed staff to "rethink" their area and make changes that are more reflective of the current activity in the area. We expect that the new designations brought forward on and around the subject land at hand will take place as the transition area to the west near Willow Bluff Road and south near Reno Avenue continue to move north between Friant Road and Auberry Road.

Therefore, this finding should be judged on the proposed intent of the Board of Supervisors.

- 2. Such Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.**

A recent Planning Commission report analyzed this area in conjunction with the northwest, and southwest and found approximately 19 variances filings have been processed by the County, 15 of those 19 variance filings have been approved thus creating smaller parcels than land use designation calls for.

A review of the history of land division finds that parceling to the southwest near N. Willow Bluff Road parcels range in size from 2.5 acres to 9.49 acres, meanwhile to the north near Reno Avenue parcels range from 2.30 acres to a single 18.90-acre parcel, which is consistent with the County's future direction of the area. More notable examples of this relate to Willow Bluff Avenue and Reno Avenue frontage, and the development of Monte Verdi Estates.

The entry to the subject property from N. Willow Bluff Road currently serves the residences to the north (near Reno Avenue) while also serving access to a small rural residential development with 2-acre parcels to the north and to the south, as well as the Monte Verdi Estates to the southeast.

The denial of the variance at hand will provide different rights possessed by the neighboring property owners under like conditions within the vicinity having identical zoning classification.

3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

The proposed variance will reflect the current land division and development trend now occurring in the area and the County will require improvements that will meet any service issues that may arise during their evaluation. There are existing wells on the property.

4. The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.

A recent Planning Commission report analyzed this area in conjunction with the northwest, and southwest and found approximately 19 variances filings have been processed by the County, 15 of those 19 variance filings have been approved thus creating smaller parcels than land use designation calls for.

A review of the history of land division finds that parceling to the southwest near N. Willow Bluff Road parcels range in size from 2.5 acres to 9.49 acres, meanwhile to the north near Reno Avenue parcels range from 2.30 acres to a single 18.90-acre parcel, which is consistent with the County's future direction of the area. More notable examples of this relate to Willow Bluff Avenue and Reno Avenue frontage, and the development of Monte Verdi Estates. The entry to the subject property from N. Willow Bluff Road currently serves the residences to the north (near Reno Avenue) while also serving access to a small rural residential development with 2-acre parcels to the north and to the south, as well as the Monte Verdi Estates to the southeast.

The denial of the variance at hand will provide different rights possessed by the neighboring property owners under like conditions within the vicinity having identical zoning classification.

We have a unique situation at hand in that most of the development activity in the surrounding area over the last decade or two has not been keeping with the General Plan designation or underlying zoning. The Board of Supervisors have recognized this and has directed staff to "rethink" their area and make changes that are more reflective of the current activity in the area. We expect that the new designations brought forward on and around the subject land at hand will take place as the transition area to the west near Willow Bluff Road and south near Reno Avenue continue to move north between Friant Road and Auberry Road.

Therefore, this finding should be judged on the proposed intent of the Board of Supervisors.



EXHIBIT 8

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: JD Investments
- APPLICATION NOS.: Initial Study No. 8658 and Variance Application No. 4181
- DESCRIPTION: Allow waive the lot size requirements and allow for the creation of two substandard 2.55-acre parcels from an existing 5.09-acre parcel located in the AL-20 (Limited Agricultural, 20-acre minimum) Zone District. If approved, a mapping procedure will follow.
- LOCATION: The subject parcel is located on the west side of Willow Bluff, approximately 0.65-miles from the City of Fresno. (APN: 579-050-16) (12739 Willow Bluff) (Sup. Dist. 5).

AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The proposed project will not have any physical or visual effect on scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: NO IMPACT:

The proposed project will not have any physical or visual effect on surrounding public views.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

The proposed project is for dividing land only. There is no proposed construction or use that will create any source of light or glare.

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: NO IMPACT:

Per the 2022 Fresno County Important Farmland Map, the subject parcel is designated as Grazing Land.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

The subject parcel is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and is not subject to a Williamson Act Contract. The project will not conflict with the existing zoning for agricultural use and would not conflict with the Williamson Act Contract.

- C. Conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production; or

- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

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The project site is not located on land zoned for forest land, timberland or timberland zoned Timberland Production, and as such will not result in the loss of forest land or conversion of land for non-forest use.

- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project involves splitting an existing parcel in the AL-20 Zone District. This area is not designated as Farmland or Forest Land and the project will not result in any conversion.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: NO IMPACT:

This project proposes the division of land only and does not change allowable uses. Reviewing Agencies and Departments did not express concern with the project to indicate that the project would result in a conflict with an applicable Air Quality Plan or result in cumulatively considerable net increase of any criteria pollutant.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

The proposed project does not propose any development, hence it will not result in any emissions.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or

regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

There are no physical improvements being proposed as part of this project. The California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) did not express concern with the project to indicate impacts to special-status species. Therefore, development of the project is not expected to negatively impact through habitat modification as the site is not occupied or has not significant habitat for special-status species.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

No riparian habitat or other sensitive natural community was identified on the project site.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

There are no physical improvements being proposed as part of this project. The project does not cut off movement of the site for any wildlife resident. No migratory wildlife corridor or native wildlife nursery site was identified on the project site.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not identify a local policy or ordinance adopted for the protection of a biological resource that would be in conflict with the project proposal. No Habitat Conservation Plan, Natural Community Conservation Plan

or other approved local, regional, or state Habitat Conservation Plans were identified as being in conflict with the project proposal.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

No ground disturbing activities are proposed for this project. No reviewing Agencies and Departments express concern with the project to indicate that a cultural or historical resource is present on the site and would be affected by the project proposal.

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

No state or local plan for renewable energy or energy efficiency applicable to the project was identified during Agency and Department review.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

According to Figure 9-2 of the 2000 Fresno County General Plan Background Report and the California Department of Conservation Earthquake Hazard Zone Application (EQ Zapp), the project is not located on a known earthquake fault zone.

- 2. Strong seismic ground shaking?
- 3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

Per Figure 9-5 of the 2000 Fresno County General Plan Background Report (FCGPBR), the project site is located on land designated as having a 0-20% chance of reaching peak horizontal ground acceleration assuming a 10% probability of a seismic hazard in 50 years. In considering the lower chance of reaching peak horizontal ground acceleration and mandatory compliance of the development with the California Building Code, there is minimal adverse risks associated with the project related to strong seismic ground shaking or seismic-related ground failure.

- 4. Landslides?

FINDING: NO IMPACT:

Figure 9-6 of the 2000 FCGPBR indicates that the project site is not located in a moderate or high landslide hazard area.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT:

The project would result in the development of the site where impervious surface would be added, and a loss of topsoil would occur. The subject site is relatively flat with small changes in elevation. The project would not result in a loss of topsoil or soil erosion where a significant risk of loss, injury, or death would occur.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

The project does not propose any physical improvements, and no geologic unit or unstable soil was identified on the project site.

- C. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of the 2000 Fresno County General Plan Background Report (FCGPBR), the project site is not located on soils exhibiting moderately high to high expansion potential.

- D. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or
- E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

The project does not propose the development or use of a septic system or alternative wastewater disposal system. There were no unique paleontological resource or unique geologic feature identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

The project does not propose any physical improvements or new use so it will not generate any changes to Air Quality or Greenhouse Gas Emissions. Reviewing Agencies and Departments did not express concern with the project to indicate that a conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases exists as a result of the project.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: NO IMPACT:

No hazardous materials are proposed for this project.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site is located within 1.65 miles west of an existing school (Clovis North High School), and therefore there will be no hazardous emissions within one-quarter mile of a school.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to the NEPAssist Database, the project site is not located on a listed hazardous materials site and the project would not result or create a significant hazard to the public or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or public use airport. The nearest airport is Fresno Yosemite International Airport located approximately 9-miles south from the proposed project site.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not identify any conflict with the project and any adopted emergency response plan or emergency evacuation plan. Additionally, no concerns were expressed that the project would result in a significant risk of loss, injury, or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The proposed project parcel is located in a low-water area. As such, a hydrogeological study was administered and reviewed by County of Fresno Water and Natural Resources Division.

The report dated December 2024 prepared by Kenneth D. Schmidt and Associates concluded that project has an adequate and sustainable supply of groundwater and that future groundwater utilization on the property would not result in significant pumping related impacts to surrounding properties.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
 - 1. Result in substantial erosion or siltation on- or off-site;
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
 - 3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: NO IMPACT:

There are no ground disturbing activities proposed for this project that would alter any existing drainage patterns or channel courses. This project will not result in substantial erosion or siltation on or off site.

- 4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project site is not located within a flood hazard area. Applicable agencies reviewed the project site and did not have any comments regarding any requirements and asserted the project as proposed would not impede or redirect flood flows.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The project site is not located within a flood hazard area, and the project will not increase the risk of release of pollutants due to project inundation. Additionally, the project site is not located near a body of water where a tsunami or seiche risk is prevalent.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project does not anticipate the use of water resources and would not contribute to a degradation of water quality. Reviewing Agencies and Departments did not express concern with the project in regard a conflict with a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project only proposes to split an existing parcel. The project will not physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

There were no land use plans, policies, or regulations for the purpose of avoiding or mitigating an environmental effect identified in the Fresno County General Plan as being in conflict with the project proposal.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or

- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Figure 7-7 and 7-8 of the Fresno County General Plan Background Report (FCGPBR) depicts mineral resource locations and principal mineral producing locations within the County of Fresno. The project site is not located on or near an identified mineral resource or mineral producing site.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

The project does not propose any physical development and will not generate excessive ground-borne vibration or ground-borne noise.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

D.

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or public use airport. The project site is not located in an airport land use plan. The nearest airport is Fresno Yosemite International Airport located approximately 9-miles south from the proposed project site.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

There is no existing development on the proposed project site, and there is no development being proposed for this project. The project will not induce unplanned population growth in the area. The project would not displace a substantial number of people or housing.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection;
2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not provide concerns regarding the project or a need for additional governmental facilities or alteration to existing governmental facilities. The Fresno County Fire Protection District provided comments referencing Fire Code requirements when a building permit is issued for the project.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project does not propose development and is not expected to increase the use of existing neighborhood and regional parks and does not include the construction or expansion of recreational facilities.

XVII. TRANSPORTATION

Would the project:

A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or

B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

This project is not anticipated to increase Vehicle Miles Traveled as there is no development being proposed. Reviewing Agencies and Departments did not express concern with the project in terms of a transportation impact resulting from the project.

C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?; or

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not express concern with the project design or access to indicate that a hazard due to design features or inadequate emergency access will result from the project.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in

subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: NO IMPACT

Participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County of Fresno in addressing potential tribal cultural resources occurring on the project site. No notified California Native American Tribe expressed concern with the project and did not enter into consultation. No reviewing Agency or Department provided comments to indicate that a listed or eligible historical resource is located on the project site.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

The proposed project does not require the construction or relocation of any facilities. Reviewing Agencies and Departments did not identify any significant environmental effects as a result of the project.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

The proposed use would not utilize water for the operation and would not have an impact on water supplies.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

The project is not in the service zone of wastewater treatment provider.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

There is no physical development proposed in this project. Reviewing Agencies and Departments did not indicate that the project would result in solid waste generation in excess of State or local standards, or result in a conflict with federal, state, and local management and reduction statutes and regulations related to solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

As depicted in the 2023 Fresno County Fire Hazard Severity Zones Map, produced by the California Department of Forestry and Fire Protection, the project site is located within a State Responsibility Area (SRA) and has a moderate fire hazard severity.

Additionally, this project was routed for review by CalFire. Reviewing Agencies and Departments did not provide comments to indicate that the project would result in impairment to evacuation plans, exposure to pollutant concentrations, exacerbation of fire risk, or exposure to post-fire risks.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop

below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: NO IMPACT:

This project does not propose any ground disturbing activities that could potentially degrade the quality of the environment.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: NO IMPACT:

The project is not anticipated to result in a cumulative considerable impact and would result in a less than significant impact regarding the identified section.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

The project has been determined to not result in substantial adverse effect on human beings.

CONCLUSION/SUMMARY

Based upon the Initial Study No. 8658 prepared for Variance Application No. 4181, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Biological Resources, Geology/Soils, Hydrology/Water Quality, Noise, Recreations, Utilities/Service Systems, Agriculture & Forestry Resources, Cultural Resources, Greenhouse Gas Emissions, Land Use/Planning, Population/Housing, Transportation, Wildfire, Air Quality, Energy, Hazards & Hazardous Materials, Mineral Resources, Public Services, Tribal Cultural Resources or Mandatory Findings of Significance.

A Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and “M” Street, Fresno, California.

AB
"G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4100-4199\4181\CEQA\VA 4181 Initial Study Writeup.docx"



West



NORTH
ATTACHMENT B PAGE 37





East



Notice of Appeal of Planning Commission Decision

Appeal Fee: \$555.11
effective FY 2025-26
Due at Time of Appeal Filing

Appellant Instructions – Complete all sections below. Print or type, this side only.

Project Site Address

12739	Willow Bluff	Clovis	93619	579-050-16
<i>Number</i>	<i>Street</i>	<i>City</i>	<i>Zip Code</i>	<i>Assessor's Parcel Number (APN)</i>

Appellant Information

Name: J D Investments

Mailing Address: 5610 N. PALM AVENUE
FRESNO, CA 93704

Phone Number: (559) 437-1050

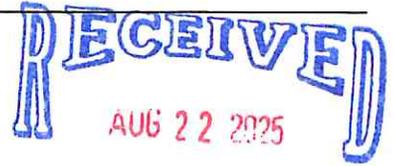
Applicant Information

Name: _____

Mailing Address: _____

Phone Number: () _____

Is the Appellant also the project Applicant? Yes No
If no, complete Applicant Information section.



Subject of Appeal

Date of Planning Commission Decision: August 14, 2025
Month Day Year

CLERK. BOARD OF SUPERVISORS

I wish to appeal the Planning Commission's decision to: Approve Deny

- | | | |
|---|--|--|
| <input type="checkbox"/> Amendment Application
No. _____ | <input type="checkbox"/> Director Review and Approval Application
No. _____ | <input type="checkbox"/> Tentative Tract Map Application
No. _____ |
| <input type="checkbox"/> Amendment to Text Application
No. _____ | <input type="checkbox"/> General Plan Amendment Application
No. _____ | <input checked="" type="checkbox"/> *Variance Application
No. <u>4181</u> |
| <input type="checkbox"/> Conditional Use Permit
No. _____ | <input type="checkbox"/> Tentative Parcel Map Application
No. _____ | <input type="checkbox"/> Other: _____ |

Reason(s) for Appeal: *(Attach additional pages if necessary)* Commission denied the variance, did not approve it.

Appellant Signature

8-21-25

Date

Return completed form and fee to the Clerk of the Board of Supervisors, 2281 Tulare Street, Room 301, Fresno, CA 93721

*Fresno County Ordinance §876.6.020(B)(2) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance Application property. The Department of Public Works & Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

For Office Use Only

Copy sent to: <u>W. Kettler, C. Motta,</u>	Date copy sent: <u>8-22-25</u>
<u>T. Mtunga, A. Samarin</u>	Hearing set for: _____

ATTACHMENT D
EXHIBIT 1

**Variance Application (VA) No. 4181
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Pursuant to General Plan Policy LU-E.24: prior to approval of any division of the property by a parcel map or other mechanism, the Applicant shall demonstrate, to the satisfaction of the Director of Public Works and Planning Department, that there is adequate road access and road maintenance.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5 feet from the property line.
2.	Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
3.	A minimum of 10' x 10' corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Willow Bluff Avenue or Willow Avenue if not already present.
4.	The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Drainage Zone and Boundary. FMFCD should be consulted regarding any requirements they may have. Fresno Metropolitan Flood Control District 5469 E. Olive Avenue Fresno, CA 93727 (559) 456-3292 developmentreview@fresnofloodcontrol.org
5.	The subject property is located within the State Responsibility Area (SRA) boundary. Any future development within the SRA boundary shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
6.	Any future landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELO) and MWELO form/s and/or separate landscape and irrigation design plan should be required.

Notes	
7.	Any future encroachment or access over S.P.R.R. (Southern Pacific Railroad Right-of-Way) should require approval from the owner.
8.	A grading permit/voucher will be required for any future grading with this application.
9.	If this variance application is approved, a parcel map application will have to be filed with Fresno County in order to affect the property division.
10.	Septic system density will be limited to one system per two acres. Any new development of less than two acres or secondary dwelling will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
11.	Any new sewage disposal system proposal shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
12.	At such time the applicant or property owner(s) decides to construct a water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
13.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
14.	If any underground storage tank(s) are found, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

AB

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4100-4199\4181\Staff Report\VA 4181 - Conditions of Approval.docx

ATTACHMENT E

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. <p align="center" style="font-size: 1.2em;">E202510000138</p> <p align="center" style="font-size: 0.8em;">CLK-2046.00 E04-73 R00-00</p>	
Agency File No:	LOCAL AGENCY NEGATIVE DECLARATION	County Clerk File No:	
IS 8658			
Responsible Agency (Name):	Address (Street and P.O. Box):	City:	Zip Code:
Fresno County	2220 Tulare St. Sixth Floor	Fresno	93721
Agency Contact Person (Name and Title):	Area Code:	Telephone Number:	Extension:
Arianna Brown, Planner	559	600-4245	N/A
Project Applicant/Sponsor (Name):	Project Title:		
Nick Yovino, JD Investments	Initial Study No. 8658 & Variance Application 4181		
Project Description:			
Allow waive the lot size requirements and allow for the creation of two substandard 2.55-acre parcels from an existing 5.09-acre parcel located in the AL-20 (Limited Agricultural, 20-acre minimum) Zone District. If approved, a mapping procedure will follow. The subject parcel is located on the west side of Willow Bluff, approximately 0.65-miles from the City of Fresno. (APN:579-050-16) (12739 Willow Bluff) (Sup. Dist. 5).			
Justification for Negative Declaration:			
Based upon the Initial Study No. 8658 prepared for Variance Application No. 4181, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Biological Resources, Geology/Soils, Hydrology/Water Quality, Noise, Recreations, Utilities/Service Systems, Agriculture & Forestry Resources, Cultural Resources, Greenhouse Gas Emissions, Land Use/Planning, Population/Housing, Transportation, Wildfire, Air Quality, Energy, Hazards & Hazardous Materials, Mineral Resources, Public Services, Tribal Cultural Resources or Mandatory Findings of Significance.			
FINDING:			
The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication:		Review Date Deadline:	
Fresno Business Journal – June 13, 2025		Planning Commission – July 24, 2025	
Date:	Type or Print Signature:	Submitted by (Signature):	
June 11, 2025	David Randall Senior Planner	Arianna Brown Planner	

State 15083, 15085

County Clerk File No.: E-202510000138

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

Exhibit 7
ATTACHMENT F

To: County of Fresno
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Project: Willow Bluff seeks to create approximately two 2.5 acre parcels from a single 5.09 acre parcel. The subject property is east of N. Willow Avenue and west of Willow Bluff Avenue. The site address is 12739 Willow Bluff Lane, Clovis 93619 more specifically described as Assessor's Parcel Number: 579-050-16.

REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF A VARIANCE

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.**

The landowner would like to maximize the utility of the land by creating two 2.5 acre parcels as the subject area is not viable for agricultural purposes. The Willow Bluff area is in a unique transition area between the larger existing agricultural parcels ranging from 10 to 20 acres to newly created parcels ranging in size from 1.0 to 5 acre parcels. Within a two-mile radius, zoning designations range from AE20 and AL20 to 5 and 2 acres Rural Residential. Immediately to the south Monte Verdi Estates has 125 lots with sizes ranging from 15,000 square feet to 30,000 square feet. This is most notably seen in the past 10 years with the development of the Monte Verde Estates, Willow Ridge, Elegante Estate and Pill Hill less than .5 miles away from the subject property. Within the past six months, the Board of Supervisors approved variances for the creation of sixteen 2-acre parcels, less than half a mile away from the subject parcel, due to their land being subpar for agricultural purposes. This conforms with the County of Fresno's 2024 General Plan Update and future direction for residential development policies in the area, exhibiting density and maximizing land usage.

We have a unique situation at hand in that most of the development activity in the surrounding area over the last decade or two has not been keeping with the General Plan designation or underlying zoning. The Board of Supervisors have recognized this and has directed staff to "rethink" their area and make changes that are more reflective of the current activity in the area. We expect that the new designations brought forward on and around the subject land at hand will take place as the transition area to the west near Willow Bluff Road and south near Reno Avenue continue to move north between Friant Road and Auberry Road.

Therefore, this finding should be judged on the proposed intent of the Board of Supervisors.

- 2. Such Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.**

A recent Planning Commission report analyzed this area in conjunction with the northwest, and southwest and found approximately 19 variances filings have been processed by the County, 15 of those 19 variance filings have been approved thus creating smaller parcels than land use designation calls for.

A review of the history of land division finds that parceling to the southwest near N. Willow Bluff Road parcels range in size from 2.5 acres to 9.49 acres, meanwhile to the north near Reno Avenue parcels range from 2.30 acres to a single 18.90-acre parcel, which is consistent with the County's future direction of the area. More notable examples of this relate to Willow Bluff Avenue and Reno Avenue frontage, and the development of Monte Verdi Estates.

The entry to the subject property from N. Willow Bluff Road currently serves the residences to the north (near Reno Avenue) while also serving access to a small rural residential development with 2-acre parcels to the north and to the south, as well as the Monte Verdi Estates to the southeast.

The denial of the variance at hand will provide different rights possessed by the neighboring property owners under like conditions within the vicinity having identical zoning classification.

3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

The proposed variance will reflect the current land division and development trend now occurring in the area and the County will require improvements that will meet any service issues that may arise during their evaluation. There are existing wells on the property.

4. The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.

A recent Planning Commission report analyzed this area in conjunction with the northwest, and southwest and found approximately 19 variances filings have been processed by the County, 15 of those 19 variance filings have been approved thus creating smaller parcels than land use designation calls for.

A review of the history of land division finds that parceling to the southwest near N. Willow Bluff Road parcels range in size from 2.5 acres to 9.49 acres, meanwhile to the north near Reno Avenue parcels range from 2.30 acres to a single 18.90-acre parcel, which is consistent with the County's future direction of the area. More notable examples of this relate to Willow Bluff Avenue and Reno Avenue frontage, and the development of Monte Verdi Estates. The entry to the subject property from N. Willow Bluff Road currently serves the residences to the north (near Reno Avenue) while also serving access to a small rural residential development with 2-acre parcels to the north and to the south, as well as the Monte Verdi Estates to the southeast.

The denial of the variance at hand will provide different rights possessed by the neighboring property owners under like conditions within the vicinity having identical zoning classification.

We have a unique situation at hand in that most of the development activity in the surrounding area over the last decade or two has not been keeping with the General Plan designation or underlying zoning. The Board of Supervisors have recognized this and has directed staff to "rethink" their area and make changes that are more reflective of the current activity in the area. We expect that the new designations brought forward on and around the subject land at hand will take place as the transition area to the west near Willow Bluff Road and south near Reno Avenue continue to move north between Friant Road and Auberry Road.

Therefore, this finding should be judged on the proposed intent of the Board of Supervisors.

ATTACHMENT G

August 13, 2025

SENT VIA EMAIL

Fresno County Planning Commission
Fresno County Plaza, Annex A
2220 Tulare Street
Fresno, CA 93721

SUBJECT: Item No. 5 on the Planning Commission agenda for August 14, 2025:

Variance Application No. 4181 and Initial Study No. 8658 to allow the creation of two 2.55-acre parcels where 20-acres is required, from an existing 5.09-acre parcel located in the AL-20 (Limited Agricultural, 20-acre minimum) Zone District.

Dear Chairman Abrahamian and Members of the Planning Commission:

State law and the Fresno County Zoning Ordinance are very clear with respect to the findings needed to either approve or deny a variance application.

State law is surprisingly simple and to the point. Public Resources Code § 65906 reads as follow:

“Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.”

To further satisfy this state requirement and enable your Commission to approve a variance, the Board of Supervisors requires that your Commission make the following four findings of fact:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification;
2. The Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification;
3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located; and
4. The granting of the Variance will not be contrary to the objectives of the General Plan.

In other words, your Commission may approve a variance from the Zoning Ordinance when it has sufficient credible evidence to support a conclusion that there are extraordinary circumstances or conditions applicable to the property that are not applicable to identically-zoned properties in the same

vicinity, that strict application of the zoning ordinance would create an unnecessary hardship for the property owner or compromise a substantial property right and that the variance request is consistent with General Plan goals and policies.

With regard to this particular variance application (VA No. 4181), County staff has provided credible evidence that there are no unique or extraordinary features or conditions applicable to the property and that the applicant's wish to maximize the utility of the property is not valid justification for granting a variance.

Staff has also demonstrated that the applicant has not provided any relevant evidence to suggest that the variance is necessary for the preservation and enjoyment of a substantial property right.

It's important for Commissions to remember that the burden to establish evidence in support of required findings is the responsibility of the applicant. It's not the Commission's job to figure out how to justify approving the variance. Printed below is that section of the County's Ordinance Code.

"Fresno County Ordinance Code 860.5.090 – Burden of Proof

The burden of proof to establish the evidence in support of the findings, required by Section 860.5.060 (Findings and Decision), above, is the responsibility of the applicant."

The applicant has argued that a parcel split should be allowed because other properties in the area have been subdivided through amendments to the General Plan, rezones and several variance applications. But those actions are not relevant to the matter at hand. First of all, General Plan amendments and rezones are different matters altogether. And secondly, with respect to prior variances in the immediate vicinity that resulted in lot splits, Fresno County Ordinance Code 860.5.080 ("Precedents") makes it abundantly clear that those actions are irrelevant to the matter before your Commission today.

"Fresno County Ordinance Code 860.5.080 — Precedents

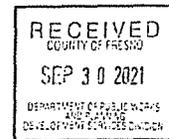
Each application shall be reviewed on an individual case-by-case basis and the granting of a prior Variance or Minor Deviation is not admissible evidence for the granting of a new Variance or Minor Deviation."

And finally, the applicant suggests that the variance should be approved because the Board of Supervisors intends for the area to be reevaluated for possible division into smaller-sized lots. Below is a screenshot from the applicant's statement (Exhibit 7) saying that the variance should be judged with that intent in mind.

We have a unique situation at hand in that most of the development activity in the surrounding area over the last decade or two has not been keeping with the General Plan designation or underlying zoning. The Board of Supervisors have recognized this and has directed staff to "rethink" their area and make changes that are more reflective of the current activity in the area. We expect that the new designations brought forward on and around the subject land at hand will take place as the transition area to the west near Willow Bluff Road and south near Reno Avenue continue to move north between Friant Road and Auberry Road.

Therefore, this finding should be judged on the proposed intent of the Board of Supervisors.

But all is not what it seems. Nearly identical language appeared in another Exhibit 7 for a different variance application (Variance No. 4121) four years earlier (in 2021) for property located approximately ½ mile northeast of the subject parcel. Below is a screenshot of the text from 2021. (Please compare it to the text on the previous page.)



We have an unusual situation at hand in that most of the development activity in the surrounding area over the last decade or two has not been keeping with the General Plan designation or underlying zoning. The Board of Supervisors have recognized this and has directed staff to “rethink” their area and make changes that are more reflective of the current activity in the area. We expect that there may be new designations brought forward on and around the subject land at hand, as the transition area to the west near Willow Bluff Road and south near Reno Avenue continue to move north between Friant Road and Auberry Road.

Therefore this finding should be judged on the proposed intent of the Board of Supervisors.

What’s noteworthy is that between 2021 and 2025, the Board of Supervisors did re-think the area in which the subject property is located. As a result, in February of 2024, the Board approved a General Plan amendment and amended the Zoning Ordinance to allow for the creation of smaller lots east of the subject property. The problem for the applicant is that the Board decided not to include the area in which the subject parcel is located. Contrary to the applicant’s claim, the Board doesn’t need to “re-think” the area because the Board has already “rethought” it. Not only is the applicant’s argument irrelevant, it’s outdated.

To sum up, the applicant has not provided any credible or relevant evidence to support findings that there are exceptional or extraordinary circumstances or conditions applicable to the property or that the variance is necessary for the enjoyment and preservation of a substantial property right. What occurred previously in the way of General Plan amendments, rezones and variances in the vicinity of the subject property is irrelevant —not admissible as evidence in support of a request for a variance as clearly spelled out in the County’s Zoning Ordinance. Besides, as explained above, the Board of Supervisors “re-thought” that area in 2024, and that rethinking did not include the subject property.

To approve the variance, your Commission must do all of the following:

1. Identify credible evidence to support a conclusion that there are unique circumstances related to the property — such as its size, shape, topography, location, or surroundings that justify the need for the variance;
2. Demonstrate that strict application of the current Zoning Ordinance deprives the property owner of a right that is enjoyed by other property owners with the same zoning, and
3. Explain how granting the variance is consistent with the goals and policies of the General Plan.

Your Commission must make each of these findings in good faith, and your decision must be well-reasoned. The public needs to have a clear understanding of the basis for granting the variance.

Also, in approving the variance, there is something your Commission must NOT do — and that is to make a simple statement that it can make the four findings and then proceed to approve the variance. That's because, at present, there is no credible evidence in the record to support making such findings. Quite the opposite: there is considerable reliable information establishing why findings cannot be made.

And I think it's always important to remember that approving a variance without well-reasoned, credible evidence may constitute a grant of special privileges, which is expressly disallowed by law.

Sincerely,

Radley Reep
radleyreep@netzero.net